

**REMARKS/ARGUMENTS**

Examiner has stated that the Office Action of July 20, 2004 is in response to Applicant's communication of June 15, 2004.

However, Applicant respectfully notes for the record that Applicant's previous responsive communication was dated June 3, 2004, and as it was sent in its entirety on that date via facsimile transmission, it should be accorded the response date of June 3, 2004.

Examiner has requested correction of drawings to include reference numerals 132, 142 and 144.

Applicant provides herewith substitute drawings reflecting the correct notation of said reference numerals and Applicant has amended the specification to reflect the corrected numerals. Applicant has added other numerals referred to in the specification as submitted, but not clearly evident in the original drawings.

Examiner has requested correction of the abstract to eliminate extraneous wording.

Applicant has amended the abstract as above, specifically eliminating the word "invention".

**102(b) Rejections**

Examiner has rejected claim 1-3 as anticipated by Browder (U.S. Pat. No. 4,035,606). Examiner has stated that the garment of Browder '606 completely encloses a heating means.

Applicant has amended claim 1 to clearly point out, as described in the specification and shown in FIGS. 1-3 of Applicant's application, that Applicant's invention

Irvin, George

Appl. No. 10/626,227

Filed: July 24, 2003

Atty. Docket No. 21520-RA

Page 13 of 16

specifically comprises a catalytic heater. Because Applicant's invention covers the nose and mouth of the wearer, in fact, all except the eye area, it is necessary to have a non-asphyxiating heat source to prevent injury by breathing the fumes of the heat source contained within the envelope of the garment. Browder '606 does not disclose covering the nose and mouth, and as such, Browder '606 would have no need of a non-asphyxiating heating means.

Applicant further respectfully asserts that the device of Browder '606 does not include a heating means that is enclosed by the garment, and, but rather, the electric heating means of Browder '606 is a part of the garment, and appears to be carried on the outer portion thereof. This is clearly shown by FIGS. 3 and 4 of Browder '606, wherein in FIG. 3, the occupant is seated on the external heating means and in FIG. 4, wherein the heating means is secured externally around the garment.

Furthermore, the device of Browder '606 utilizes electrical heating element, and, as such, is not suitable for use in areas where no electrical power is available, or alternately, must be powered by batteries, which are well-known to provide very limited use time and are quite heavy when provided in larger capacity sizes. Thus, the use of electrical heating of Browder '606 does not disclose the catalytic heater of the present invention.

Applicant has amended claim 2 to claim the inherent requirement of Applicant's invention, namely that the wearer of a garment of Applicant's invention must breathe the air within the garment, since the wearer is completely covered except for the wearer's eyes.

#### 102(e) Rejections

Examiner has rejected claim 20 as anticipated by Cilkadaroglu (WO2004022886), stating that Cilkadaroglu '886 teaches a non-asphyxiating heating system.

Applicant has amended claim 20 to claim the limitation that Applicant's apparatus covers the wearer's mouth and nose. Such is not disclosed in any of the prior art cited by Examiner. Applicant respectfully asserts that Cilkadaroglu '886 does not disclose Applicant's invention, since Cilkadaroglu '886 teaches a device that encloses the body of the user(s) below their necks, leaving the user(s)' heads exposed, wherein such a device does not require that it be non-asphyxiating. Furthermore, there is nothing in Cilkadaroglu '886 that teaches a non-asphyxiating heating system, and, in fact, it would not need to be non-asphyxiating since the head portion of the user(s) is not in communication with the air under the garment supplied by the heating means. Cilkadaroglu '886 does not disclose a device that covers the wearer's nose and mouth.

#### 103(a) Rejections

Examiner has rejected claims 4-6, 8, 10, and 16 as obvious over Cilkadaroglu '866 in view of Browder '606.

As Applicant has asserted above, there is nothing in Cilkadaroglu '866 to suggest a non-asphyxiating heat source, nor the combination of any type heater of Cilkadaroglu '866 with Browder '606. In fact, Cilkadaroglu '866 does not disclose covering the head portion and Browder '606 does not disclose covering the entire head except the eyes. Thus, Applicant respectfully asserts that covering of the entire head as in claim 8, excluding the eyes, is not taught by any of the references cited by Examiner.

Furthermore, the device of Browder '606 is external to the garment and comprises a short-lived power source such as a battery, or alternately, would require connection to a battery charger.

Irvin, George

Appl. No. 10/626,227

Filed: July 24, 2003

Atty. Docket No. 21520-RA

Page 15 of 16

Examiner has rejected claim 9 over Browder '606 in view of Eckes (U.S. Pat. No. 5,826,273).

Applicant has cancelled claim 9, incorporating the limitations of claims 9 into claim 1, and, accordingly, Applicant respectfully asserts that there is no suggestion in Eckes '273 that the products utilized therein are catalytic heaters. Furthermore, "catalytic heater", as disclosed by Applicant, is a well-known term-of-art utilized to describe devices that burn fuel at a catalyst to provide heat. In support of such, Applicant provides herewith an information sheet from the Catalytic Heater Company, showing that such heaters convert propane and natural gas, as do the heaters referenced in Applicant's application because they are also catalytic heaters. While Applicant does not limit Applicant's heater to the brands referenced in the application, nor to the products of the Catalytic Heater Company, the latter is representative of the devices utilized by Applicant. The devices of Eckes '273 cited by the Examiner are not fueled devices. Such term-of-art, "catalytic heater", does not include the reusable heating pad or air activated devices of Eckes '273, since such devices do not catalytically-convert fuel.

#### Cancelled Claim

Applicant has cancelled claim 9, incorporating the limitations of claim 9 into claim 1.

#### New Claim

Applicant has added new claim 21 directed to eye covering components of the eye opening as supported in the specification on page 13, lines 5-7.

**CONCLUSION**

Amendments are as to form only. No new matter has been added. Applicant believes that Independent claims 1 and 20 are in condition for allowance, and, as such, Examiner's rejection of claims depending from claim 1 is now moot. Applicant respectfully believes the present application is now in condition for allowance and requests reconsideration thereof. If Examiner disagrees with Applicant's position and would like to receive further clarifying explanations of the significance of Applicant's invention, it is respectfully requested that Applicant be granted a telephone interview with Examiner.

Otherwise, should the Examiner have any questions regarding this submission, he is invited to contact the undersigned counsel at the telephone number below.

Respectfully submitted, this 20<sup>th</sup> day of October, 2004,



Thomas R. Williamson III, Esq.  
Reg. No. 47,180  
Email: [twilliamson@mkiplaw.com](mailto:twilliamson@mkiplaw.com)

MYERS & KAPLAN,  
INTELLECTUAL PROPERTY LAW, L.L.C.  
1899 Powers Ferry Road  
Suite 310  
Atlanta, GA 30339  
Phone: (770) 541-7444  
Fax: (770) 541-7448

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

10-20-04

(Date)

*Maria Gold*

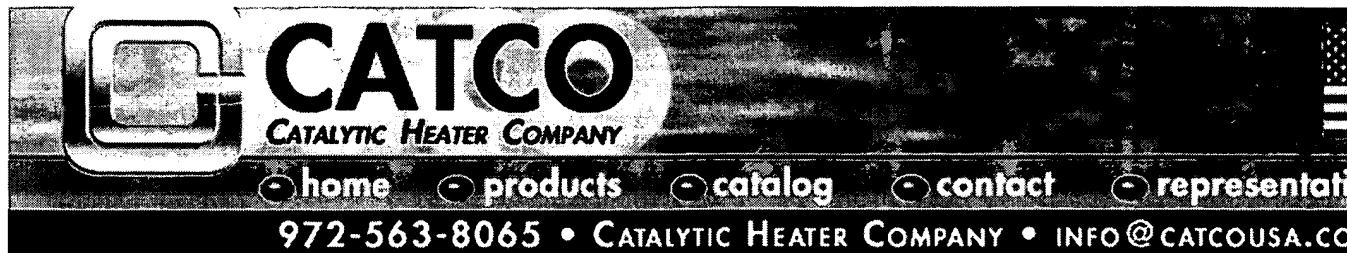
(Name of Person Mailing)

*Maria Gold*

(Signature of Person Mailing)

10-20-04

(Date)



The image shows the header of the CATCO website. It features a large, stylized 'C' logo on the left. To the right of the logo, the word 'CATCO' is written in a large, bold, sans-serif font. Below 'CATCO', the text 'CATALYTIC HEATER COMPANY' is written in a smaller, all-caps font. At the bottom of the header, there is a navigation menu with links: 'home', 'products', 'catalog', 'contact', and 'representati'. Below the menu, the phone number '972-563-8065' is listed, followed by the company name 'CATALYTIC HEATER COMPANY' and an email address 'INFO@CATCOUSA.CO'.

Catalytic Heater Company, founded in 1982, has been in business since 1982 and out of a 21,000 square foot facility in Terrell, Texas, approximately thirty miles east of Dallas. The company manufactures CATCO branded catalytic heaters and related products for industrial applications. Our products are marketed in the United States and in foreign countries.

Catalytic heaters are used in many different applications. Using catalytic technology, they convert propane, natural gas or other hydrocarbon gas to flameless infrared heat. As they operate at a relatively low temperature (approximately 800 F), they are often used in hazardous or potentially hazardous environments. CATCO manufactures heaters certified by Canadian Standards Association and by Factory Mutual.

A number of heater sizes are available, from 1500 to 60,000 btus.

A few common applications for catalytic heaters include:

#### **Regulation, Instrumentation, and Measurement**

Catalytic heaters are used to prevent freezing and hydrate formation, common problems in regulation and measurement equipment when gas pressures are reduced.



#### **Oven and Process Applications**

Natural gas and LPG fueled radiant catalytic heaters can offer significant advantages over other heat sources.



#### **Space Heating**

Catalytic heaters provide superior performance and features, particularly when heat is needed in hazardous, classified areas.